

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:06-CR-32-BO-2**

UNITED STATES OF AMERICA)	
)	
v.)	<u>ORDER</u>
)	
DARIS LEE KOONCE.)	

This matter is before the Court on Defendant's Motion for Production of Court Transcripts [DE 95]. Because Defendant has not demonstrated his need for the documents, Defendant's Motion is DENIED.

BACKGROUND

On May 23, 2006, Mr. Koonce pleaded guilty to bank robbery, in violation of 18 U.S.C. § 2113 (a) and to felon in possession of a firearm in violation of 18 U.S.C. § 922 (g)(1) [DE 69]. He was sentenced to 108 months of imprisonment on August 22, 2006 [DE 77]. Mr. Koonce filed the instant motion, seeking transcripts of his arraignment and sentencing, on June 16, 2011 [DE 95]. The United States filed its opposition on July 14, 2011 [DE 100].

DISCUSSION

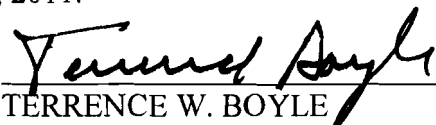
As a general matter, habeas petitioners do not enjoy an automatic right to discovery. *Stanford v. Parker*, 266 F.3d 442, 460 (6th Cir. 2001). Rather, the petitioner bears the burden of demonstrating "a particularized need for the documents." *United States v. Butler*, 178 F. App'x 327, *1 (4th Cir. 2006); *see also Murphy v. Johnson*, 205 F.3d 809, 813-15 (5th Cir. 2000). Under Rule 6 of the Federal Rules Governing Section 2255 Proceedings, the Court will allow discovery only "for good cause," and a party requesting discovery must provide reasons for the

request. Because Mr. Koonce has not provided any reasons for his discovery request, that request is denied.

CONCLUSION

For the foregoing reasons, Defendant's Motion for Production of Court Transcripts is DENIED.

SO ORDERED, this the 30 day of August, 2011.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE